



DEPARTMENT OF THE NAVY  
HEADQUARTERS UNITED STATES MARINE CORPS  
3000 MARINE CORPS PENTAGON  
WASHINGTON, DC 20350-3000

IN REPLY REFER TO:  
1920

'SEP 28 2017

FOURTH ENDORSEMENT on Col Baker's Rpt of BOI 1920 SJA of 4 May 17

From: Commandant of the Marine Corps  
To: Assistant Secretary of the Navy (M&RA)

Subj: REPORT OF NONJUDICIAL PUNISHMENT AND REPORT OF THE BOARD  
OF INQUIRY IN THE CASE OF CAPTAIN KEITH G. BARTON  
1179107160/0402 USMC

1. Forwarded for review and final action. The subject line has been modified to more accurately reflect the nature of the correspondence.

2. A brief chronology of this case is as follows:

a. Background

(1) On 14 August 2015, a domestic dispute resulted in Captain Barton's arrest by local authorities. As a result, the Commanding Officer (CO), Marine Wing Headquarters Squadron-2 (MWHS-2), directed that a command investigation (CI) be conducted. On 28 August 2015, the CO, MWHS-2, via a military protective order (MPO), ordered Captain Barton to have no contact with his wife. Although the civilian charges were dropped, the CI discovered evidence of domestic abuse. Additionally, the CI revealed that, from April 2015 through May 2015, Captain Barton committed adultery with the wife of a deployed Marine lieutenant colonel.

(2) In September 2015, Captain Barton violated the MPO by texting his wife almost daily. Later, on 13 March 2016, Captain Barton's wife separated from Captain Barton and moved to Las Vegas, NV, with their daughter. In April 2016, Captain Barton's wife returned to North Carolina for a custody hearing, and his CO issued another MPO. On 13 April 2016, while at the courthouse, Captain Barton and his wife moved from the presence of their respective victim advocates and engaged in a conversation during which Captain Barton sought to persuade his wife to alter her testimony by promising to let her return to Las Vegas and take custody of their child. Also, during the same day, he called the supervisor of his wife's victim advocate and falsely reported that the victim advocate had refused to

Subj: REPORT OF NONJUDICIAL PUNISHMENT AND REPORT OF THE BOARD  
OF INQUIRY IN THE CASE OF CAPTAIN KEITH G. BARTON  
1179107160/0402 USMC

leave the courtroom despite being asked to do so by the wife and the judge. Later, he violated the MPO, for the second time that day, by engaging in sexual intercourse with his wife. Subsequently, Captain Barton falsely told a CID investigator that he had not violated any of the MPOs.<sup>1</sup>

(3) On 25 and 30 July 2016, charges were preferred against Captain Barton for violations of Article 90 (Willful Disobedience), Article 107 (False Official Statement), Article 128 (Assault), Article 133 (Conduct Unbecoming), Article 134 (Adultery), Article 134 (Child Endangerment), Article 134 (Communicating a Threat), and Article 134 (Subornation of Perjury), Uniform Code Military Justice (UCMJ). On 20 September 2016, an Article 32, UCMJ, pretrial investigation was held. On 17 October 2016, the Article 32 Preliminary Hearing Officer (PHO) issued a report in which he found probable cause for 10 of the 24 alleged offenses.

(4) On 26 October 2016, Captain Barton entered into a pretrial agreement (PTA) in which he agreed to plead guilty at nonjudicial punishment (NJP) to one specification of violating Article 90 (Willful Disobedience) and one specification of Article 133 (Conduct Unbecoming), UCMJ. In exchange, Captain Barton requested that the convening authority (1) provide him at least five business days' notice prior to conducting the NJP and (2) credit the time from 6 to 22 May 2016, during which Captain Barton was restricted to base, as 17 days toward any arrest in quarters or restriction awarded. On 28 October 2016, the CG, 2d Marine Aircraft Wing (2d MAW), accepted the agreement (see below).

#### b. Nonjudicial Punishment

(1) On 21 October 2016, the CG, 2d MAW, notified Captain Barton of his intent to impose NJP for his alleged violations of Articles 90 (Willful Disobedience), 107 (False Official Statement), 128 (Domestic Violence), 133 (Conduct Unbecoming), and 134 (Adultery; Child Endangerment; Communicating a Threat; Subornation of Perjury), UCMJ. On 26 October 2016, Captain Barton acknowledged receipt of the notification by signing the PTA referenced above. The NJP hearing was held on 4 November 2016.

---

<sup>1</sup> As the complexity of the case increased, CID assumed the investigation.

Subj: REPORT OF NONJUDICIAL PUNISHMENT AND REPORT OF THE BOARD  
OF INQUIRY IN THE CASE OF CAPTAIN KEITH G. BARTON  
1179107160/0402 USMC

(2) The CG, 2d MAW, imposed a punitive letter of reprimand (PLOR), forfeiture of one half of one month's pay for one month (totaling \$3,224), and restriction for 60 days, with 17 days of credit for time already spent on restriction. (The forfeiture and restriction were suspended for six months.) On 10 November 2016, Captain Barton acknowledged his right to appeal the punishment but declined to do so.

(3) On 4 November 2016, the CG, 2d MAW, signed the PLOR. On 9 November 2016, Captain Barton acknowledged receipt of the PLOR and elected not to appeal its imposition or submit a statement in response. On 15 December 2016, the CG, 2d MAW, documented Captain Barton's misconduct in a Report of NJP, recommending that he be required to show cause at a BOI. In the Report, the CG found that Captain Barton had committed additional misconduct—specifically, violations of Article 107 (False Official Statement), Article 128 (Assault), and Article 134 (Subornation of Perjury), UCMJ. On 28 December 2016, Captain Barton acknowledged receipt of the Report and elected to submit a statement. In his statement, Captain Barton accepted responsibility for the misconduct to which he had pleaded guilty at NJP but denied the additional misconduct.

c. Request for Medical Separation. During the pendency of Captain Barton's misconduct case, he was simultaneously processed by a Physical Evaluation Board (PEB) for left-knee pain. On 28 October 2016, the CG, 2d MAW, requested that the PEB process be held in abeyance during the pendency of Captain Barton's misconduct case. Pursuant to SecNav Memorandum of 1 Jun 16, "Disability Evaluation System Dual Processing," the PEB elected not to hold the case, but to dual-process Captain Barton instead. On 19 January 2017, the PEB found Captain Barton unfit to continue on active duty due to left-knee pain. On 20 January 2017, Captain Barton submitted a request for medical separation in lieu of further administrative processing.

d. Board of Inquiry

(1) On 10 February 2017, the Commander, Marine Forces Command (COMMARFORCOM) directed that Captain Barton show cause for retention at a BOI for substandard performance of duty and misconduct, or moral or professional dereliction. That same day, the COMMARFORCOM notified Captain Barton that a BOI would be convened to make a recommendation regarding his retention in the Marine Corps. The specific bases for separation alleged in the notification were Captain Barton's (a) failure to



Subj: REPORT OF NONJUDICIAL PUNISHMENT AND REPORT OF THE BOARD  
OF INQUIRY IN THE CASE OF CAPTAIN KEITH G. BARTON  
1179107160/0402 USMC

demonstrate acceptable qualities of leadership required of an officer in his grade, (b) failure to properly discharge duties expected of officers of his grade and experience, (c) commission of a military or civilian offense which could be punished by confinement of six months or more--specifically, violations of Article 90 (Willful Disobedience), Article 107 (False Official Statement), Article 128 (Domestic Violence), Article 133 (Conduct Unbecoming), and Article 134 (Adultery; Subornation of Perjury), UCMJ, and (d) intentional misrepresentation or omission of material fact in official written documents or official oral statements. On 17 February 2017, Captain Barton acknowledged receipt of the BOI notification letter.

(2) The Board, held on 11 April 2017, substantiated all but one of the allegations. The Board recommended that Captain Barton be separated with an Other Than Honorable characterization of service. There was no minority report. On 4 May 2017, the senior member reported the Board's findings and recommendations in a Report of the BOI. On 17 May 2017, Captain Barton submitted a response to the Report of the BOI in which he accepted responsibility for violating the MPO and for adultery but tried to refute the other allegations and attempted to impeach the primary witnesses against him. Captain Barton again requested to be medically separated or, at least, to be separated with a General (Under Honorable Conditions) characterization of service in light of his 18 years of service,<sup>2</sup> his need for service-related medical care, and his children's financial dependence.

e. Promotion Case. Captain Barton was selected for promotion by the FY17 USMC Major Selection Board. Captain Barton's promotion has been delayed pending the outcome of his misconduct case.

f. Medical Evaluation. From 7 April 2016 through 3 August 2016, Captain Barton was seen numerous times, by multiple appropriately credentialed mental health providers, at the Naval Health Clinic Cherry Point. Each mental health provider individually determined that Captain Barton does not have--and has not reasonably alleged that he has--PTSD or TBI,

---

<sup>2</sup> Captain Barton had 6 years of satisfactory service in the USMCR (19 June 1998 to 15 November 2005) prior to being commissioned in the Active Component. As of 1 October 2017, he will have 11 years, 10 months, and 17 days of Active Duty service, and 18 years, 3 months, and 13 days of qualifying service toward a reserve retirement.

Subj: REPORT OF NONJUDICIAL PUNISHMENT AND REPORT OF THE BOARD  
OF INQUIRY IN THE CASE OF CAPTAIN KEITH G. BARTON  
1179107160/0402 USMC

3. Captain Barton has no service obligation related to advanced education assistance.


4. Captain Barton's Armed Forces Active Duty Base Date (AFADBD) is 20 March 2005, and his Date of Rank (DOR) is 1 December 2009.

5. The CG, 2d MAW, the CG, II Marine Expeditionary Force, and the COMMARFORCOM recommend that Captain Barton's request for medical separation be denied and that he be separated with an Other Than Honorable characterization of service.

(b) (5)



(b) (6)



M. A. ROCCO  
Deputy Commandant for  
Manpower and Reserve Affairs

APPROVED / DISAPPROVED:

Assistant Secretary of the Navy  
(Manpower and Reserve Affairs)



THE ASSISTANT SECRETARY OF THE NAVY  
(MANPOWER AND RESERVE AFFAIRS)  
1000 NAVY PENTAGON  
WASHINGTON, D.C. 20350-1000

OCT 16 2017

From: Assistant Secretary of the Navy (Manpower & Reserve Affairs)  
To: Deputy Commandant of the Marine Corps (Manpower & Reserve Affairs)  
Subj: REPORT OF NONJUDICIAL PUNISHMENT AND REPORT OF THE BOARD OF INQUIRY IN THE CASE OF CAPTAIN KEITH G. BARTON 0402 USMC  
Ref: (a) Commandant of the Marine Corps ltr 1920 Ser JPL of 28 Sep 17  
(b) SECNAVINST 1920.6C  
(c) SECNAV Memo "Disability Evaluation System Dual Processing" of 1 Jun 16.

1. In response to reference (a) and in accordance with reference (b), I hereby order that Captain Keith G. Barton, USMC, be separated from the naval service with an Other than Honorable characterization of service, separation code GKM1 - Involuntary Discharge by Approved Recommendation of a Board (Misconduct- Other). Community managed bonuses will be recouped, as applicable.

2. An Other than Honorable characterization of service is warranted in light of the nature of Captain Barton's misconduct—several instances of domestic violence upon his wife, numerous violations of Military Protective Orders, and adultery with the wife of a deployed United States Marine Corps lieutenant colonel. Captain Barton's misconduct is contrary to the ethos of the United States Marine Corps, and is deserving of an Other than Honorable characterization of service.

3. In accordance with reference (c), I order that Captain Barton's processing through the Disability Evaluation System be terminated so that he separates pursuant to paragraph 1, above.

(b) (6)

Acting